



General Assembly

Fifty-eighth session

Official Records

Distr.: General

8 December 2003

Original: English

Third Committee

Summary record of the 52nd meeting

Held at Headquarters, New York, on Thursday, 20 November 2003, at 10 a.m.

Chairman: Mr. Maertens (Vice-Chairman) (Belgium)
later: Mr. Belinga-Eboutou (Chairman) (Cameroon)

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03-62673 (E)



In the absence of Mr. Belinga-Eboutou (Cameroon), Mr. Maertens (Belgium), Vice-Chairman, took the Chair

The meeting was called to order at 10.35 a.m.

Agenda item 117: Human rights questions (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/58/L.63-L.66 and L.70-L.72)

Draft resolution A/C.3/58/L.63: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

1. **Ms. Ellison-Kramer** (Austria) introduced the draft resolution on behalf of the sponsors, joined by Armenia, Brazil, Ecuador, Ethiopia, Malta, Mauritius, Panama, Peru, the Republic of Moldova, Romania, Serbia and Montenegro, Thailand and the former Yugoslav Republic of Macedonia, and announced several minor revisions to the text. She highlighted, among other things, the importance of human rights education and observed that the frequency and severity of conflicts involving minorities underlined the need for States and international organizations to strengthen their efforts to promote and protect the rights of persons belonging to minorities.

Draft resolution A/C.3/58/L.64: Human rights in the administration of justice

2. **Mr. Lutterotti** (Austria) introduced the draft resolution on behalf of the sponsors, joined by Albania, Armenia, Brazil, Ecuador, Guatemala, Malta, Mexico, Panama, Paraguay, the Republic of Moldova, Romania, Serbia and Montenegro, Thailand and the former Yugoslav Republic of Macedonia. He drew attention to the rephrasing of paragraph 15, which was a new paragraph: the revised version began by inviting Governments and other bodies to devote increased attention to the issue of women in prison, including issues related to their children, and then took note of the decision by the Subcommission on the Promotion and Protection of Human Rights to prepare a working paper on that question. The wording of paragraph 3 had been revised to bring it into line with the language of General Assembly resolution 57/219, so that it read: "Affirms that States must ensure that any measure taken to combat terrorism, including in the

administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law". In addition, the last phrase in paragraph 9, "in particular in post-conflict situations", had been deleted.

Draft resolution A/C.3/58/L.65: Elimination of all forms of religious intolerance

3. **Mr. Ryan** (Ireland) introduced the draft resolution on behalf of the sponsors, joined by Ecuador, Georgia, Ghana, Lesotho, Mali, Panama, the Republic of Moldova, Suriname, Swaziland, Trinidad and Tobago and Zimbabwe. The sponsors strongly supported the work of the Special Rapporteur on freedom of religion or belief, whose report (A/58/296) provided many examples showing that freedom of thought, conscience, religion and belief were not universally enjoyed, and urged all States to cooperate fully with him. The draft resolution stressed the difficult situations facing religious minorities and women and the importance of education and a continued dialogue among religions and beliefs.

Draft resolution A/C.3/58/L.66: In-depth study on all forms of violence against women

4. **Ms. Bakker** (Netherlands) introduced the draft resolution on behalf of the sponsors, joined by Albania, Australia, Austria, Bosnia and Herzegovina, Bulgaria, the Congo, Costa Rica, Dominica, the Dominican Republic, Ecuador, Lithuania, Malta, Mongolia, Nicaragua, Panama, the Republic of Moldova, Romania, Rwanda, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United States of America and Uruguay. She explained that the idea of conducting a comprehensive and in-depth study of all forms of violence against women had originally been included in draft resolution A/C.3/58/L.22 and had met with widespread support among delegations. However, as the revised draft of that resolution focused solely on domestic violence, her delegation had decided to introduce a new draft resolution specifically to request the Secretary-General to conduct such a study. The study would give a clearer idea of the scale of violence against women, a better understanding of its causes and consequences and its social, economic and health costs. It should also help identify best practices in such areas as legislation and policy-making.

Draft resolution A/C.3/58/L.70: The right to food

5. **Ms. González Fraga** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by

Andorra, Burundi, Djibouti, the Gambia, Lesotho, Mauritania, the Niger and Somalia, said that there had been growing support in recent years for the resolutions adopted by the General Assembly and by the Commission on Human Rights on the right to food. The draft resolution cited some alarming statistics — every seven seconds a child under the age of 10 died of hunger somewhere in the world, and 840 million people were undernourished — and urged States to take steps towards the full realization of the right to food. It also called on the relevant international organizations to provide the funding needed to achieve the target of halving the proportion of people suffering from hunger by 2005.

Draft resolution A/C.3/58/L.71: Protection of human rights and fundamental freedoms while countering terrorism

6. **Ms. Morgan** (Mexico), introducing the draft resolution on behalf of the sponsors listed as well as Bosnia and Herzegovina, Bulgaria, Croatia, Ecuador, Egypt, Honduras, Lithuania, Macedonia, Malta, Panama, Romania, Saint Vincent and the Grenadines and Suriname. The Member States had categorically rejected terrorism and were combating a scourge that had caused thousands of victims. It was time to reiterate the message that the most effective way of defeating it was to ensure universal respect for human rights and that all actions must be founded on those principles, especially in the light of the efforts deployed by States both individually and as members of international and regional organizations and through consideration of the topic by international human-rights mechanisms. The sponsors hoped that the draft resolution would again be adopted without a vote.

Draft resolution A/C.3/58/L.72: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

7. **Ms. González** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by Cambodia, said it reiterated Member States' commitment to strengthen international cooperation in favour of human rights and to seek peaceful solutions to humanitarian problems, in accordance with the Charter. She invited members to support the draft resolution, thereby affirming their commitment to

international cooperation for the exercise of human rights and fundamental freedoms.

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/C.3/58/L.69)

Draft resolution A/C.3/58/L.69: The situation of human rights within the Islamic Republic of Iran

8. **Mr. Laurin** (Canada), introducing the draft resolution on behalf of the sponsors, joined by Israel, Liechtenstein and Finland, said that the performance of the Islamic Republic of Iran in protecting human rights had deteriorated in the previous two years, although some encouraging developments had been recognized in the draft resolution. The results of his country's informal but extensive talks with the Government had been limited. The purpose of dialogue was to improve the human-rights situation as it affected the lives of ordinary Iranians, in which connection much remained to be done. Hence, all available mechanisms and channels, including the adoption of a resolution, must be used in order to ensure that the Government lived up to its human-rights obligations.

9. Human-rights dialogues and resolutions were complementary, for which reason the sponsors had revised paragraph 1 by the addition of a subparagraph (f) to read: "The opening of human-rights dialogues with a number of countries". The dialogues, as well as the General Assembly, must address serious rights concerns, including protection of human-rights defenders, who had tenaciously defended their clients and some of whom had been imprisoned for their pains.

10. One example of the defectiveness of the human-rights situation in the Islamic Republic of Iran was the case of a Canadian journalist accredited to that country and holding dual Canadian and Iranian citizenship who had been arrested while taking photographs of demonstrators, imprisoned and later killed in police custody, highlighting the situation of journalists in that country. Canada had long been an active sponsor of the resolution on the situation of human rights when the European Union had been drafting the text. His Government had held extensive human-rights talks — even at the ministerial level — with the Iranian Government. The Permanent Representative of the Islamic Republic of Iran, who had been visiting Ottawa, had been immediately informed of the decision to submit the draft resolution, and the matter had been discussed with the country's authorities in Tehran and New York.

11. Those concerns and others referred to in the draft resolution were sufficiently serious and wide ranging to warrant concerted international attention. The draft resolution did not preclude the continuation of dialogue aimed at improving the situation; instead, it underlined the need for such dialogue so as to afford genuine improvements in human rights, which would eliminate the need for similar resolutions in future.

The meeting was suspended at 11.25 a.m. and resumed at 12.10 p.m.

Mr. Belinga-Eboutou (Cameroon), took the Chair.

Organization of work

12. **The Chairman** said that, in response to a question raised at the start of the Committee's work, he had taken advice in order to determine his legal interpretation of rule 129 of the rules of procedure. The delay had been caused by the in-depth consultations required both within and outside the United Nations. As members were aware, the rules of procedure did not refer to draft resolutions adopted by consensus without a vote. However, it was the long-standing practice of the General Assembly and the Main Committees to endeavour to reach consensus whenever possible, failing which the Committee was required to vote. In his view, when a part or parts of a proposal or amendment were then put to a vote, the parts adopted were then put to a vote as a whole, without prejudice to the prerogative of delegations to inform the Chairman when a consensus had been reached.

Agenda item 115: Elimination of racism and racial discrimination (continued)

(a) Elimination of racism and racial discrimination (continued) (A/C.3/58/L.33/Rev.1)

Draft resolution A/C.3/58/L.33/Rev.1: The incompatibility between democracy and racism

13. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications, and announced that Andorra, Antigua and Barbuda, Austria, Barbados, Bolivia, Canada, Colombia, Costa Rica, the Democratic People's Republic of Korea, Ecuador, France, Germany, Haiti, Ireland, Italy, Jamaica, Kenya, Monaco, Panama, Poland, Portugal, Saint Vincent and the Grenadines, South Africa and Thailand had joined the sponsors.

14. **Mr. Meyer** (Brazil), speaking on behalf of the sponsors, said that the text of the draft resolution was based on similar resolutions of the Commission on Human Rights, which had always been adopted by consensus. Its main objective was to raise awareness that free and fair elections alone were not sufficient to define a system as democratic, and racist platforms of political parties could be used to undermine democracy. Nevertheless, nothing in the draft resolution implied that Governments could not promote discussions on race, racial quotas and immigration.

15. Paragraph 5 should be expanded to include a reference to communities of people of African and Asian descent.

16. **Ms. Astanah** (Malaysia) proposed that the categories of peoples mentioned in paragraph 5 should be rearranged in alphabetical order.

17. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

18. *Draft resolution A/C.3/58/L.33/Rev.1, as orally revised, was adopted.*

19. **Mr. Schurti** (Liechtenstein), speaking in explanation of position on behalf of Australia, New Zealand, Switzerland and his own country, said that for some time there had been discussions on the need to rationalize the agenda of the General Assembly and his statement applied to several other draft resolutions that would be submitted for adoption; however, in the interests of rationalization, he would speak only once.

20. There was concern about the duplication of work between the Third Committee and the Commission on Human Rights, because around 30 draft resolutions were submitted to both bodies. While the delegations he represented obviously could not explain their position in each case, they were doing so whenever a draft resolution appeared before the Third Committee for the first time. There could be good reasons for introducing a draft resolution before both bodies, but it was time to consider the issue before they simply duplicated each other's work.

21. All delegations should take responsibility for making their work more focused. Great importance was attached to the issues raised in the draft resolution and no criticism of their substance was intended, but unless the number of draft resolutions decreased, delegates would find it impossible to cover all but their own priority issues.

22. **Mr. Meyer** (Brazil) said that he hoped that the representative of Liechtenstein would make the same statement after the introduction of all the draft resolutions in question. To the contrary, it would appear that double standards were being introduced regarding who could introduce duplicate resolutions.

23. **Ms. Ahmed** (Sudan) said that, while the Sudan recognized the right of each delegation to reflect its point of view with regard to the presentation of draft resolutions, it considered that it remained the prerogative of each Member State to introduce whatever initiative they believed suitable for consideration by any of the Committees of the General Assembly. Should some delegations have difficulties with a specific draft resolution, the rules of procedure provided several avenues to reflect differing points of view, and the Sudan hoped that such statements would not set a trend in the Third Committee by restricting the sovereign rights of Member States.

24. **Mr. Begg** (New Zealand), speaking as a member of a delegation associated with the explanation of position, said that the point raised by Brazil was fully appreciated. However, it was not possible to make the statement for all 30 draft resolutions, as that would defeat its purpose. The intention had been to adopt a fair approach that was the same for draft resolutions put to a vote as for those for which there was consensus. The explanation of position was merely an effort to draw the Committee's attention to the continued expansion of the agenda. The Secretary-General had already made pertinent recommendations in document A/57/387 and Member States needed to respond to the problem. There had never been any intention of questioning the importance of a specific draft resolution or the prerogative of delegations to submit their own drafts. However, resources were spread even thinner with each new draft resolution introduced.

25. **Mr. Amorós Núñez** (Cuba) said it was the prerogative of each delegation to introduce the texts that it considered would garner support and could make a contribution to the Committee's work. He hoped that the explanation of position would be repeated for all the draft resolutions that were replicated each year, in a spirit of non-selectivity, impartiality and objectivity.

26. **Ms. Elisha** (Benin) said it was the responsibility of delegations, on the instructions of their Governments, to introduce draft resolutions on specific issues and it was unacceptable that other States tried to

stipulate whether or not a draft resolution could be introduced.

27. **Mr. García Moritán** (Argentina) said that the Third Committee used different criteria from those of the Commission on Human Rights when considering draft resolutions. Therefore, when there was justification — as in the case of the draft resolution just adopted — replicate draft resolutions should be introduced.

28. **Mr. Fox** (United States), speaking in explanation of position on the draft resolution, said that he applauded the efforts of Brazil to recognize the troubling problems of anti-Semitism and Islamophobia. With regard to paragraph 9, he observed that, in the United States, even offensive speech was protected, and his delegation interpreted the reference to internal disciplinary measures in a manner that was consistent with the protection of free speech under the Constitution.

Agenda item 116: Right of peoples to self-determination (continued) (A/C.3/58/L.31)

Draft resolution A/C.3/58/L.31: Universal realization of the right of peoples to self-determination

29. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications, and announced that Armenia, Bosnia and Herzegovina, Iraq, Mozambique and Somalia had joined the sponsors.

30. **Mr. Lim** (Singapore) said that Singapore had co-sponsored the draft resolution because it believed in the right of peoples to self-determination. The draft resolution did not refer to the applicability of that right to any specific situation, and Singapore considered that specific situations should be carefully assessed and addressed on a case-by-case basis. Since an attempt had once again been made to infer a linkage between the draft resolution and a specific situation, his delegation would have to reconsider its sponsorship of the corresponding draft resolution the following year.

31. **Mr. Osmane** (Algeria) said that the importance accorded by Algeria to the right of peoples to self-determination stemmed from its own history, shaped by a war of liberation from a colonial system. That experience inspired Algeria's commitment to peoples subjected to foreign domination and prompted it to recall constantly the right of all peoples to self-determination.

32. **The Chairman** said that a recorded vote had been requested.

33. **Mr. Akram** (Pakistan), speaking on a point of order, said that he wished to appeal to the Indian delegation not to call for a vote on a draft resolution that sought to endorse a central principle of the Charter. When Pakistan spoke of self-determination, it might have a certain situation in mind but there was no reference to it in the draft resolution, which had been adopted by consensus every year.

34. **Mr. Gobinathan** (India), speaking in explanation of vote, before the vote said that India had requested the vote and would oppose the draft resolution. Some of the references made by the main sponsor, Pakistan, when introducing it on behalf of the other sponsors, had challenged the unity and territorial integrity of India, as had its formal statement under agenda item 116. Those references and statements were totally unacceptable to India. The draft resolution, as amplified and interpreted by Pakistan, had no relevance to the lofty principle it purported to promote.

35. Self-determination was a right applicable to peoples emerging from colonial rule, not to component parts of sovereign States. That right could not be exercised in order to authorize the impairment of the territorial integrity or political unity of a State conducting itself in compliance with the principles of equal rights and self-determination of peoples and representing its entire people without discrimination. A number of comprehensive United Nations declarations and resolutions on the right to self-determination — not invoked in the draft text — had recognized that self-determination could not be so construed. The Charter of the United Nations itself enjoined any State from seeking to disrupt the national unity and territorial integrity of any other.

36. In the contemporary world, self-determination implied the right of all parts of society to participate in freely held elections, and the ability of ethnic, religious and linguistic minorities to preserve their identity while fully participating in national life. The essence of self-determination was democracy, equality, secularism and the rule of law. For Pakistan to earn the right to talk about self-determination, it must first ensure that the right was available to its own people, deprived of it by military rulers for most of that country's history.

37. It was also insulting to see the main sponsor's repeated attempts to associate the Palestinian cause with its own territorial ambitions, thus denigrating it. India was fully committed to the universal right of

peoples to self-determination properly understood, but would oppose any attempt by a sponsor to misuse the principle as a cover for its own narrow agenda.

38. **Mr. Akram** (Pakistan), observing that India had for the past several years joined in the consensus on a text identical to the draft under consideration, said that one could only speculate about the cause of the Indian Government's new thinking. The draft resolution was couched in general terms and made no reference to any specific situation. No delegation had the right to muzzle the voices of others.

39. **Mr. Gobinathan** (India), speaking on a point of order, said that the voting process had already begun and asked whether Pakistan was, in fact, making a general statement.

40. **The Chairman** said that there were several speakers who still wished to make general statements.

41. **Mr. Akram** (Pakistan), resuming his statement, observed that, despite the assertion that the draft resolution called into question the territorial integrity of a certain State, a territory whose final status was to be determined by a United Nations-sponsored plebiscite, according to Security Council resolutions over the past 50 years, could not be described as an integral part of a country but rather as a disputed territory.

42. The principle of self-determination was important to Pakistan. All States had become sovereign by exercising self-determination, and that right could not be denied to other peoples still waiting to exercise it. As for the gratuitous remarks just made regarding his Government, it must be said that a Government comprised of Fascists and fanatics who had won elections by shedding the blood of innocent Muslims had no right to criticize.

43. **Mr. Cavallari** (Italy), speaking on a point of order, called for a brief suspension so that his delegation could consult with its group on the draft resolution.

44. **Mr. Akram** (Pakistan), speaking on a point of order, said that action on the vote had begun and consequently the meeting could not be suspended.

45. **Ms. Elisha** (Benin) said, by way of a general statement, that her delegation did not see why a text that had been acceptable to all the previous year should be so complicated at the current session. However, since Benin's only reason for sponsoring the draft resolution had been its interest in the principle itself of

self-determination, it now wished to withdraw its sponsorship while the two delegations settled their dispute.

46. **Mr. Félix** (Dominican Republic) said that his delegation had co-sponsored the draft resolution on the understanding that it was a universal, impartial one as in earlier years. It now wanted to distance itself from some of the statements of the main sponsor and was therefore withdrawing its sponsorship. India and Pakistan should consult to see if a consensus resolution could still be achieved.

47. **Mr. Owade** (Kenya) said he had been under the impression that the draft resolution had to do with self-determination, a principle his delegation held dear; but given the turn events had taken, he did not wish to get involved in a dispute between two States with whom Kenya had good relations, and his delegation was therefore withdrawing its sponsorship.

48. **Mr. Aboud** (Comoros) said that his delegation wished to join the sponsors of the draft resolution.

49. **Ms. Baleseng** (Botswana) said that, for the same reasons as Benin, the Dominican Republic and Kenya, it too wished to withdraw its sponsorship.

50. **Mr. Wenaweser** (Liechtenstein), speaking on a point of order, asked whether the Committee had not in fact started the process of voting. If so, that process could not be interrupted for statements of position, which belonged properly in the earlier phase of the preparation of a draft resolution.

51. **The Chairman** said that the actual conduct of the voting had not yet begun.

52. **Ms. Astanah** (Malaysia) said that her delegation had traditionally sponsored the important resolution on the principle of self-determination, but regretted that extraneous issues had muddled the central point. Those issues could have been dealt with informally before the draft resolution had come up for action.

53. **Mr. Roshdy** (Egypt), speaking on a point of order, observed that the Chairman had indeed stated earlier that the voting had begun. Rule 128 of the rules of procedure was applicable: no representative should interrupt the voting except on a point of order in connection with the actual conduct of the voting, unless it was to explain its vote before or after the voting.

54. **The Chairman** said that the proceedings were still in the general statement phase.

55. **Mr. Cavallari** (Italy) said that he was accordingly reiterating his request for a suspension of the meeting.

56. **Mr. Roshdy** (Egypt), speaking on a point of order, asked for a legal ruling as to whether the Committee was currently engaged in voting, under rule 128 of the rules of procedure.

57. **Ms. Khalil** (Representative of the Legal Counsel) said she agreed that there had been quirks in the Committee's proceedings. It was her informal opinion that India had incorrectly been given the floor prematurely to explain its vote during the general statement phase. However, Italy's request for a suspension — objected to by Pakistan because it had maintained that the Committee was in the voting mode — should have been immediately put to the vote under rule 118.

58. **Mr. Gobinathan** (India) said that he had specifically asked the Chairman earlier whether it was the moment for him to give an explanation of vote before the vote and the Chairman had agreed. Although the representative of the Legal Counsel thought otherwise, it was still his delegation's understanding that the Committee was in the decision-making mode.

59. **Mr. Wenaweser** (Liechtenstein) asked the Chairman to deal with the request for suspension immediately, as required.

60. **The Chairman** said he took it that there was no objection to Italy's request for a suspension, and that the Committee wished to grant it.

61. *It was so decided.*

The meeting was suspended and rose at 1.20 p.m.